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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,040	11/17/2003	Donald A. Groskreutz	20607.00	1144
37833	7590	09/01/2005	EXAMINER	
LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,040

Applicant(s)

GROSKREUTZ, DONALD A.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the provision of a 3" high board (claim 2), and the provision of fitted grooves in the horizontal bars (claim 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 8 refers to the slings as being made of cloth, however the specification as filed fails to specifically mention this feature; similarly, claim 12 refers to the horizontal bars as having a fitted groove, while the specification fails to mention such a feature.

Claim Objections

3. Claims 7 and 8 are objected to because of the following informalities: in line 1 of each claim, it appears as though "slings are" should be - -sling is- - in view of the recitation at claim 1, line 7. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 6, line 3, the extension of the feet of the handle extending downwardly "but before" a plane is not entirely clear.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault (FR 1.157.626) in view of Eckman (US 3,236,537) and Edhardt (US 2,660,446). Thibault teaches a device for moving items including a pair of handles (rear most portions of 1) which are perpendicular to lateral elements, a flat rectangular body (proximate central portions of 1) with at least a raised front border (at 5) and a further body portion (24) having a rectangular shape with an upstanding rim there-around, a truncated h-shaped handle stand portion including a pair of feet (not referenced, but shown at the rear of the rectangular portion and the front ends of the sloping handle portions) for engaging a ground portion, the feet being located closer to a user than the wheels, and thus before the wheel plane, as best understood, the handles including diagonal support elements connected between the handles and handle stand (again, not referenced, shown below the handle bar portions and extending to the feet); a wheel

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positioned at the distal end of the body (3) for facilitating movement thereof, wherein objects may be placed as desired by a user, the cart further including facility for accommodating at least two horizontal bars (26, 27) which extend forwardly of the body on sides of the wheel, which may be clamped to a forward upstanding perimeter (e.g., 5) of the body portion 1.

The reference to Thibault fails to teach the provision of a sling between the handle portions. Eckman teaches a single wheeled cart which may be used with a sling element (10) which may be connected between each of two handles (7, see figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Thibault with a sling as taught by Eckman, connectable between the handles thereof, for the purpose of assisting a user in moving the cart.

The reference to Thibault as modified by Eckman fails to teach a cowl provided around and above the wheel, but not in front of the wheel. Edhardt teaches a single wheeled cart having a cowl (3, 4, 6, etc.) which extends to the sides and above a single wheel (1) but not in the front of the wheel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a cowl as taught by Edhardt to cover the wheel of the cart taught by Thibault as modified by Eckman for the purpose of preventing loose items from getting snarled around the wheel when the cart is in use.

As regards claim 2, the references to Thibault as modified by Eckman and Edhardt fail to teach the provision of a 3" high board provided under the feet, however the provision of a board beneath bottom portions of an article to be leveled is notoriously old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a board beneath the feet portions of the cart taught by Thibault as modified by Eckman and Edhardt for the purpose of leveling the cart, for example under a condition where a ground surface is lower at one cart end than the other.

As regards claims 7 and 8, the reference to Eckman, relied upon for the teaching of a sling, fails to specifically teach the material of the sling. Both cloth and nylon are very well known fabric constituents, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the sling portion taught by the

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modifying reference to Eckman from a cloth or nylon material for the purpose of utilizing a material which is commonly available in stock widths and lengths, and thus reducing the manufacturing costs of the sling element.

As regards claims 9 and 10, the reference of Thibault as modified by Eckman and Edhardt fails to teach the material of the wheel as being rubber and the body, handle and cowl being made from steel, however rubber is a very old and well known wheel material, and steel is a very old and well known structural material, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the wheel from a rubber for the purpose of allowing movement of the cart without damage to the surface it traverses, and to make the body, handle and cowl from steel for the purpose of providing a material which presents a high strength-to-weight ratio.

As regards claim 12, the reference to Thibault as modified by Eckman and Edhardt fails to teach groove portions in the bars (26, 27) which engage the upstanding perimeter portion (5). In that the bars are taught to be clamped (see element 25, Thibault's figure 3) so as to engage the forward perimeter portion (5), it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a groove in the bars (26, 27) which mates with the profile of the perimeter portion for the purpose of providing a more distinct registration between the bar portions and cart.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Simpson (US 4,147,369), Wissler (US 4,253,677), Morris (US 5,242,177), Bushon (US 5,346,232), De Roovere (US 5,752,473), Knoll (US 6,203,033), Johnson (GB 2,233,612), and Togni (EP 1 106 471) teach cart structures of pertinence.

8. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
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A handwritten signature in black ink, appearing to read 'F. Vanaman', with a date '8/20/05' written below it.